

MARSHALL, GERSTEIN & BORUN LLP  
ATTORNEYS AT LAW  
6300 SEARS TOWER  
233 SOUTH WACKER DRIVE  
CHICAGO, ILLINOIS 60606-6357  
(312) 474-6300  
FAX: (312) 474-0448

09/13/2005

FACSIMILE TRANSMISSION SHEET

TO: Ms. Latrice Sims-Rfund Branc,  
Office of Finance

United States Patent &  
Trademark Office

571 273 6500

FROM: Jeffrey S. Sharp

RE: Request For Refund-U.S. Patent Application Serial No. 09/889,085

PAGES (INCLUDING THIS PAGE): 16

\*\*\*\*\*

*If you do not receive all pages of this fax in good condition, please contact Julie Burke at (312) 474-6300.*

\*\*\*\*\*

*This transmission contains confidential information intended only for the addressee. If you are not the addressee, any disclosure or use of this information by you is strictly prohibited. If you have received this facsimile in error, please notify us by telephone immediately.*

**FAX TRANSMISSION****DATE:** September 13, 2005**PTO IDENTIFIER:** Application Number 09/889,085-Conf. #6842  
Patent Number**Inventor:** Patricia L. Conway et al.**MESSAGE TO:** US Patent and Trademark Office - Refund Branch, Office of Finance**FAX NUMBER:** (571) 273-6500**FROM:** MARSHALL, GERSTEIN & BORUN LLP

Jeffrey S. Sharp

**PHONE:** (312) 474-6300**Attorney Dkt. #:** 28053/38258**PAGES (Including Cover Sheet):** 15**CONTENTS:** Request for Refund Pursuant to 37 CFR 1.26 (12 pages)  
Transmittal (1 page)  
Certificate of Transmission (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (312) 474-6300 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

**MARSHALL, GERSTEIN & BORUN LLP**  
233 S. Wacker Drive, Suite 6300, Sears Tower, Chicago, Illinois 60606-6357  
Telephone: (312) 474-6300 Facsimile: (312) 474-0448

PTO/SB/97 (08-04)

Approved for use through 07/31/2008. OMB 0651-0031

U. S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application No. (if known): 09/889,085

Attorney Docket No.: 28053/38258

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on September 13, 2005  
Date

  
SignatureJeffrey S. Sharp

Typed or printed name of person signing Certificate

31,879

Registration Number, if applicable

(312) 474-9578

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Request for Refund (12 pages)

Transmittal (1 page)

PTO/SB/21 (09-04)

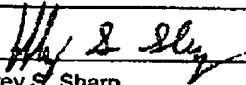
Approved for use through 07/31/2008. OMB 0651-0031

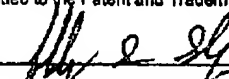
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/889,085-Conf. #6842
	Filing Date	January 9, 2002
	First Named Inventor	Patricia L. Conway
	Art Unit	1651
	Examiner Name	Vera Afremova
Total Number of Pages in This Submission	Attorney Docket Number	28053/38258

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.62 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Request for Refund Pursuant to 37 CFR 1.26</b>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	MARSHALL, GERSTEIN & BORUN LLP	
Signature		
Printed name	Jeffrey S. Sharp	
Date	September 13, 2005	Reg. No. 31,879

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-6500, on the date shown below.	
Dated: September 13, 2005	Signature:  (Jeffrey S. Sharp)

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-6500, on the date shown below.

Dated: September 13, 2005 Signature: Jeffrey S. Sharp

(Jeffrey S. Sharp)

Docket No.: 28053/38258  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

**Patricia L. CONWAY et al.**

Application No.: 09/889,085

Confirmation No.: 6842

Filed: January 9, 2002

Art Unit: 1651

For: IMPROVED MICROBIAL PREPARATIONS

Examiner: Vera Afremova

**REQUEST FOR REFUND PURSUANT TO 37 CFR § 1.26**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Attn: Ms. Latrice Sims - Refund Branch, Office of Finance**

Dear Sir:

This paper requests a \$1,150.00 refund from the U.S. Patent and Trademark Office (PTO) in connection with the above-captioned patent application. The refund may be made by check to the address below or by refund to Deposit Account No. 13-2855.

More specifically, Applicants request a refund of \$1,150.00 charged to Deposit Account No. 13-2855 on August 8, 2005 in connection with the above-identified application. Applicants have received from the Office of Finance the paper attached as Exhibit "A" which is the first and last page of a Response filed February 22, 2005 stamped with the charges referred to above. Applicants note that fee codes 1201 and 1202 are for presentation of "extra claims."

Attached hereto as Exhibit "B" is a copy of the August, 2005 "Deposit Account Statement" for the undersigned attorney's law firm account number 13-2855, which was

Application No. 09/889,085  
Amendment dated  
First Preliminary Amendment

Docket No.: 28053/38258

retrieved today via the PTO's secure website. Page 2 of the statement identifies the following  
charge to the account:

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
08/09	2	09/889,085		1202	\$750.00	33,181,85
08/09	3	09/889,085		1201	\$400.00	32,781,85

Applicants note that no new claims were introduced in the Response filed  
February 22, 2005 and that no charge would have been appropriate at that time.

Applicants further note that no new claims we reintroduced in the Response more  
recently filed with the U.S.P.T.O. on August 1, 2005.

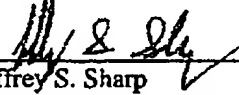
Finally, Applicants point out that new claims were presented in the application in the  
Amendment filed October 22, 2003 but that extra claim fees were paid at the time of filing  
and no further fees were due.

If the Patent and Trademark Office believes the charge was justified or if it has any  
questions, it is urged to contact the undersigned attorney.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606  
312-474-6300

By:

  
Jeffrey S. Sharp  
Registration No. 31,879  
Attorney for Applicants

September 13, 2005

## EXHIBIT A

09/07/05 11:45 FAX

4002



Docket No.: 28053/38258  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Patricia L. CONWAY et al.

Serial No.: 09/889,085

Filed: January 9, 2002

For: IMPROVED MICROBIAL  
PREPARATIONS

Group Art Unit: 1651

Examiner: Vera Afremova

I hereby certify that this paper is being  
deposited with the U.S. Postal Service  
as First Class Mail in an envelope,  
postage prepaid, addressed to the Mail  
Stop Amendment, Commissioner for  
Patents, P.O. Box 1450, Alexandria,  
VA 22313-1450 on this date:

February 22, 2005

*Jeffrey S. Sharp*  
Jeffrey S. Sharp  
Registration No. 31,879  
Attorney for Applicants

*File only*

BEST AVAILABLE COPY

RESPONSE UNDER 37 C.F.R. §1.111

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action of August 24, 2004 in which all pending claims (41 and 76-153) remained rejected under 35 U.S.C. §§ 102(b), and 103(a), and under the judicially created doctrine of double patenting. Reconsideration of the rejection is solicited for the reasons set out below. This response is timely filed as a petition for a three-month extension of time to February 24, 2005 is submitted herewith.

A copy of the pending Claims begins on page 2 of this paper.

Remarks/Arguments begin on page 12 of this paper.

FEE VALUE ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
13	2855
FEE CODE	VALUE FURNISHED
120	7504
120	4000

(15)  
(15)

09/07/05 11:45 FAX

14003

Application No.: 09/889,085

Docket No.: 28053/38258

**CONCLUSION**

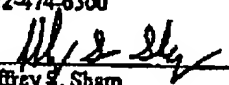
For all of the foregoing reasons, the applicants respectfully request that the rejections should now be withdrawn and an early notice of all pending claims is respectfully solicited. Should the Examiner wish to discuss any issues of form or substance in order to expedite allowance of the pending application, he is invited to contact the undersigned attorney at the number indicated below.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 13-2855. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606  
312-474-6300

By:

  
Jeffrey S. Sharp  
Registration No. 31,879  
Attorney for Applicants

February 22, 2005

## **EXHIBIT B.**

## Deposit Account Statement

Page 1 of 6



**United States  
Patent and  
Trademark Office**

**Deposit Account Statement**

Requested Statement Month: August 2005  
 Deposit Account Number: 132855  
 Name: MARSHALL, GERSTEIN & BORUN  
 Attention:  
 Address: 6300 SEARS TOWER  
 City: CHICAGO  
 State: IL  
 Zip: 60606-6402  
 Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
08/01	3	10507391		9204	-\$65.00	\$32,326.85
08/01	31	29235077	27087/40561	1012	\$200.00	\$32,126.85
08/01	32	29235077	27087/40561	1112	\$100.00	\$32,026.85
08/01	33	29235077	27087/40561	1312	\$130.00	\$31,896.85
08/01	40	E-REPLENISHMENT		9203	-\$12,840.00	\$44,736.85
08/01	48	11117846	30835/312660	8021	\$40.00	\$44,696.85
08/01	68	2863264	30328/61554	8521	\$40.00	\$44,656.85
08/01	150	29232370	29968/41003	8021	\$40.00	\$44,616.85
08/01	788	60663650	28594/41098	8021	\$40.00	\$44,576.85
08/02	16	09687516	P-269 US	1402	\$500.00	\$44,076.85
08/02	74	11091219	29617/EX002	8021	\$40.00	\$44,036.85
08/02	123	11175547	30835/313455	8021	\$40.00	\$43,996.85
08/02	412	10907872	29936/41182	8021	\$40.00	\$43,956.85
08/02	543	11101357	29155/39946A	8021	\$40.00	\$43,916.85
08/02	649	11082255		8021	\$40.00	\$43,876.85
08/02	651	11104726		8021	\$40.00	\$43,836.85
08/02	1701	78426901	28924/60483A	7001	\$325.00	\$43,511.85
08/03	1	10455204	30302/012342	1201	\$1,000.00	\$42,511.85
08/03	2	10612634	30552/38911	2201	\$300.00	\$42,211.85
08/03	3	10612634	30552/38911	2202	\$50.00	\$42,161.85
08/03	6	29229605	30687/41234	1012	\$200.00	\$41,961.85
08/03	7	29229605	30687/41234	1112	\$100.00	\$41,861.85
08/03	8	29229605	30687/41234	1312	\$130.00	\$41,731.85
08/03	14	11194226		9204	-\$40.00	\$41,771.85
08/03	15	11175863	30835/313456	8021	\$40.00	\$41,731.85
08/03	16	11175951	30835/313459	8021	\$40.00	\$41,691.85
08/03	58	11194219		9204	-\$40.00	\$41,731.85

<https://ramps.uspto.gov/eram/Controller.jsessionid=ramps-10300-3090:4320a041:a3f72734...> 9/8/2005

## Deposit Account Statement

Page 2 of 6

08/04 2	10506914	30698/CDT413	1483	\$70.00	\$41,661.85
08/04 11	11091019	27087/40387	1011	\$300.00	\$41,361.85
08/04 12	11091019	27087/40387	1111	\$500.00	\$40,861.85
08/04 13	11091019	27087/40387	1311	\$200.00	\$40,661.85
08/04 69	11130438	27087/37767R	1204	\$1,600.00	\$39,061.85
08/04 70	11130438	27087/37787R	1205	\$900.00	\$38,161.85
08/04 533	10507391	P04,0348	1617	\$65.00	\$38,096.85
08/04 754	78685033	30961/61773	7001	\$325.00	\$37,771.85
08/04 760	78685037	30961/61772	7001	\$325.00	\$37,446.85
08/04 765	78685040	30961/61771	7001	\$325.00	\$37,121.85
08/04 770	78685041	30961/61770	7001	\$325.00	\$36,796.85
08/05 4	0793784		6201	\$200.00	\$36,596.85
08/05 181	11117187	30880/30002B	2081	\$375.00	\$36,221.85
08/05 243	29233644	19036/41346	8021	\$40.00	\$36,181.85
08/05 325	0161690394	3714	8014	\$25.00	\$36,156.85
08/08 4	76408227	30610/60026	7004	\$150.00	\$36,006.85
08/08 18	29221901	3719	8007	\$20.00	\$35,986.85
08/08 19	60598701	3715	8007	\$20.00	\$35,966.85
08/08 20	10896398	3716	8007	\$60.00	\$35,906.85
08/08 21	10895800	3717	8007	\$60.00	\$35,846.85
08/08 22	29222125	3718	8007	\$100.00	\$35,746.85
08/08 30	10378328	29498/38709	1251	\$120.00	\$35,626.85
08/08 31	10378328	29498/38709	1801	\$790.00	\$34,836.85
08/08 40	10524042		9204	-\$100.00	\$34,936.85
08/08 47	10519899		9204	-\$100.00	\$35,036.85
08/08 50	11100360	3643	1201	\$200.00	\$34,836.85
08/08 87	10935067	3720	8007	\$60.00	\$34,776.85
08/08 90	10889404	3721	8007	\$20.00	\$34,756.85
08/08 144	78343545	30610/60027	7004	\$150.00	\$34,606.85
08/08 154	60687568	30840/41243	1462	\$270.00	\$34,336.85
08/08 504	10533755		8021	\$40.00	\$34,296.85
08/08 518	78686931	27568/60001	7001	\$325.00	\$33,971.85
08/08 519	11133062		8021	\$40.00	\$33,931.85
08/09 2	09889085		1202	\$750.00	\$33,181.85
08/09 3	09889085		1201	\$400.00	\$32,781.85
08/09 91	60708000	29617/PM	1005	\$200.00	\$32,581.85
08/09 111	60676102	30275/41103	8021	\$40.00	\$32,541.85
08/09 121	2599245	3722	8504	\$30.00	\$32,511.85
08/09 122	2634104	3723	8504	\$30.00	\$32,481.85
08/09 123	2635105	3724	8504	\$30.00	\$32,451.85
08/09 308	1937762	28049/60686	7205	\$100.00	\$32,351.85
08/09 309	1937762	28049/60686	7201	\$400.00	\$31,951.85
08/09 310	1937762	28049/60686	7206	\$100.00	\$31,851.85
08/09 311	1937762	28049/60686	7203	\$100.00	\$31,751.85
08/09 770	76541529	28472/60494	7004	\$150.00	\$31,601.85
08/09 1649	78688467	28121/60021	7007	\$275.00	\$31,326.85
08/10 81	10527385		9204	-\$100.00	\$31,426.85
08/11 3	10527707		9204	-\$100.00	\$31,526.85

<https://ramps.uspto.gov/eram/Controller.jsessionid=ramps-10300-3090:4320a041:a3f72734...> 9/8/2005

## Deposit Account Statement

Page 3 of 6

08/11 8	11064769	28967/35061A2	2203	\$180.00	\$31,346.85
08/11 11	60703314	27527/41378	1085	\$750.00	\$30,596.85
08/11 21	10517047	28944/40701	1616	\$300.00	\$30,296.85
08/11 25	10646514	28363/36886A	2401	\$250.00	\$30,046.85
08/11 27	10940367	28363/36886	2401	\$250.00	\$29,796.85
08/11 34	11160891	27330/40651	8021	\$40.00	\$29,756.85
08/11 54	10504197		8021	\$40.00	\$29,716.85
08/11 68	11076414	01017/36473B	8021	\$40.00	\$29,676.85
08/11 145	11084711	28341/6114N2US	8021	\$40.00	\$29,636.85
08/11 178	11152214	30835/312786	8021	\$40.00	\$29,596.85
08/11 217	11117134	30521/3068B	8021	\$40.00	\$29,556.85
08/11 279	78689766	31006/60003	7001	\$325.00	\$29,231.85
08/11 403	78689813	31006/60002	7001	\$325.00	\$28,906.85
08/11 572	78689892	31006/60001	7001	\$325.00	\$28,581.85
08/12 12	10668013	3288	1251	\$120.00	\$28,461.85
08/12 18	10253967	27978/37504A	2801	\$395.00	\$28,066.85
08/12 58	10519186		9204	-\$100.00	\$28,166.85
08/12 116	60707128	30938/41447	2005	\$100.00	\$28,066.85
08/12 158	11150001	30835/312778	8021	\$40.00	\$28,026.85
08/15 1	10527707		1814	\$200.00	\$27,826.85
08/15 7	10507391		9204	-\$697.00	\$28,523.85
08/15 10	10507391	P04,0346	1642	\$397.00	\$28,126.85
08/15 12	10507391	P04,0346	1814	\$200.00	\$27,926.85
08/15 48	10526161	30071/41004	8021	\$40.00	\$27,886.85
08/15 106	10526407	28944/41030	8021	\$40.00	\$27,846.85
08/15 108	10533680		8021	\$40.00	\$27,806.85
08/16 23	11156014	28729/40363	1081	\$500.00	\$27,306.85
08/16 277	10895011	30610/30008A	1202	\$256.00	\$27,050.85
08/16 535	PCT/US05/27902	30991/40375A	8007	\$3.00	\$27,047.85
08/16 1502	78299064	28121/60009	7004	\$150.00	\$26,897.85
08/16 1506	78231484	28121/60008	7004	\$150.00	\$26,747.85
08/17 15	60703218	PP021901.0004	1085	\$1,000.00	\$25,747.85
08/18 2	PCT/US05/24481		9204	-\$270.00	\$26,017.85
08/18 3	10525858		9204	-\$50.00	\$26,067.85
08/18 10	60703191	PP028094.0001	1085	\$750.00	\$25,317.85
08/18 11	11084711	28341/6114N2US	1202	\$200.00	\$25,117.85
08/18 23	10525192		9204	-\$100.00	\$25,217.85
08/18 29	11038372	30610/30008B	1051	\$130.00	\$25,087.85
08/18 111	11185054	06005/39271	8021	\$40.00	\$25,047.85
08/18 135	11117187	30880/30002B	8021	\$40.00	\$25,007.85
08/18 1459	2285914	28779/60054	7205	\$200.00	\$24,807.85
08/18 1460	2285914	28779/60054	7208	\$400.00	\$24,407.85
08/19 1	11120217	29012/S2859	1202	-\$50.00	\$24,457.85
08/19 2	2239874		9204	-\$200.00	\$24,657.85
08/19 2	10489761		9204	-\$1,330.00	\$25,987.85
08/19 4	11117187	30880/30002B	2081	-\$375.00	\$26,362.85
08/19 5	11117187	30880/30002B	2081	\$250.00	\$26,112.85
08/19 9	11120217		9204	-\$475.00	\$26,587.85

<https://ramps.uspto.gov/eram/Controller.jsessionid=ramps-10300-3090:4320a041:a3f72734...> 9/8/2005

## Deposit Account Statement

Page 4 of 6

08/19 9	11089551	30554/40025A	1081	\$500.00	\$26,087.85
08/19 97	11113671	3686	8007	\$20.00	\$26,067.85
08/19 105	29222125	3687	8007	\$20.00	\$26,047.85
08/19 107	10876431	3688	8007	\$20.00	\$26,027.85
08/19 136	PCT/US05/28496	30906/41460	1601	\$300.00	\$25,727.85
08/19 137	PCT/US05/28496	30906/41460	1704	\$2,075.00	\$23,652.85
08/19 138	PCT/US05/28496	30906/41460	1702	\$1,211.00	\$22,441.85
08/19 139	PCT/US05/28496	30906/41460	1703	\$3,120.00	\$19,321.85
08/19 140	PCT/US05/28496	30906/41460	8007	\$20.00	\$19,301.85
08/19 803	76398286	29640/60009	7004	\$450.00	\$18,851.85
08/22 3	10769744	2345.2051-004	1253	-\$20.00	\$18,871.85
08/22 6	10769744		9204	-\$390.00	\$19,261.85
08/22 43	78696488	30833/60004	7001	\$325.00	\$18,936.85
08/22 98	2663672	30069/62000	8521	\$40.00	\$18,896.85
08/22 122	10889404	3689	8007	\$20.00	\$18,876.85
08/22 128	0159700293	3691	8014	\$25.00	\$18,851.85
08/22 130	0148610355	3693	8014	\$25.00	\$18,826.85
08/22 131	0158260818	3690	8014	\$25.00	\$18,801.85
08/22 133	0159700284	3692	8014	\$25.00	\$18,776.85
08/22 149	78696549	30833/60005	7001	\$325.00	\$18,451.85
08/22 176	10545696	29729/41220	2831	\$150.00	\$18,301.85
08/22 334	11123926		8021	\$40.00	\$18,261.85
08/22 511	2368859	27295/60003	7205	\$100.00	\$18,161.85
08/22 512	2368859	27295/60003	7208	\$200.00	\$17,961.85
08/23 4	11058884	30687/40021	8021	\$40.00	\$17,921.85
08/23 45	E-REPLENISHMENT		9203	-\$14,789.15	\$32,711.00
08/23 194	78697577	61779	7001	\$325.00	\$32,386.00
08/23 203	60602785	3725	8007	\$20.00	\$32,366.00
08/23 209	10930265	3726	8007	\$20.00	\$32,346.00
08/24 14	2271221		9204	-\$200.00	\$32,546.00
08/24 68	10507653	30607/40452	8021	\$40.00	\$32,506.00
08/24 72	11208696	28967/40835A	2011	\$150.00	\$32,356.00
08/24 73	11208696	28967/40835A	2111	\$250.00	\$32,106.00
08/24 74	11208696	28967/40835A	2311	\$100.00	\$32,006.00
08/24 75	11208696	28967/40835A	2202	\$125.00	\$31,881.00
08/24 80	60673825		8021	\$40.00	\$31,841.00
08/24 112	11057962	29428/40380A	8021	\$40.00	\$31,801.00
08/24 219	2271221		6206	\$100.00	\$31,701.00
08/25 2	10190963	29473/38638	1811	\$100.00	\$31,601.00
08/25 31	PCT/US05/27902	30891/40375A	1703	\$13.00	\$31,588.00
08/25 48	29231069	30988/10000	1051	\$65.00	\$31,523.00
08/26 3	60708226	28967/41018	2085	\$125.00	\$31,398.00
08/26 17	11122875	30815/24157A	1011	\$300.00	\$31,098.00
08/26 18	11122875	30815/24157A	1111	\$500.00	\$30,598.00
08/26 19	11122875	30815/24157A	1311	\$200.00	\$30,398.00
08/26 166	11156014	29729/40363	8021	\$40.00	\$30,358.00
08/26 198	29228889		8021	\$40.00	\$30,318.00
08/26 569	76398291	29640/60010	7004	\$450.00	\$29,868.00

<https://ramps.uspto.gov/eram/Controller.jsessionid=ramps-10300-3090:4320a041:a3f72734...> 9/8/2005

## Deposit Account Statement

Page 5 of 6

08/26 1240 1956212	30527/640US	7205	\$100.00	\$29,768.00
08/26 1241 1956212	30527/640US	7201	\$400.00	\$29,368.00
08/29 1 10392030	6901 P 061	1814	\$130.00	\$29,238.00
08/29 2 10392030	6901 P 061	1814	\$130.00	\$29,108.00
08/29 3 10392030	6901 P 061	1814	\$130.00	\$28,978.00
08/29 7 76278960	27428/61426	6005	\$100.00	\$28,878.00
08/29 8 76278960	27428/61426	6004	\$150.00	\$28,728.00
08/29 14 10774710	28570/39829A	2201	\$100.00	\$28,628.00
08/29 36 29224354	3727	8007	\$240.00	\$28,388.00
08/29 38 60640321	3728	8007	\$40.00	\$28,348.00
08/29 41 10924509	3729	8007	\$40.00	\$28,308.00
08/29 44 PCT/US05/25870	30412/40344A	8007	\$20.00	\$28,288.00
08/29 178 11144122	06005/40583	8021	\$40.00	\$28,248.00
08/29 351 11108930	06005/40488	8021	\$40.00	\$28,208.00
08/29 588 11112344	27656/40688	8021	\$40.00	\$28,168.00
08/30 1 10392030	6901 P 061	1814	-\$130.00	\$28,298.00
08/30 2 10392030	6901 P 061	1814	-\$130.00	\$28,428.00
08/30 5 10944272	30847/2062-001	1202	\$50.00	\$28,378.00
08/30 32 6845702		1462	-\$270.00	\$28,648.00
08/30 154 11134195		8021	\$40.00	\$28,608.00
08/30 248 78702562	30854/60000	7001	\$325.00	\$28,283.00
08/30 331 11160330		8021	\$40.00	\$28,243.00
08/30 527 10533053		9204	-\$50.00	\$28,293.00
08/30 1399 78703173	30854/60000	7001	\$325.00	\$27,968.00
08/31 11 78689892	3731	8507	\$45.00	\$27,923.00
08/31 13 78689813	3732	8507	\$45.00	\$27,878.00
08/31 13 09733490	29757-P346	1453	\$1,500.00	\$26,378.00
08/31 14 78689766	3733	8507	\$45.00	\$26,333.00
08/31 22 0148310763	3730	8014	\$25.00	\$26,308.00
08/31 23 0148310763	3730	8023	\$40.00	\$26,268.00
08/31 23 60655977	30844/30004	2085	\$125.00	\$26,143.00
08/31 24 0148310766	3730	8014	\$25.00	\$26,118.00
08/31 25 0148310721	3730	8014	\$25.00	\$26,093.00
08/31 26 0156620682	3730	8014	\$25.00	\$26,068.00
08/31 32 10161849	ARCD:257USC3	2814	\$65.00	\$26,003.00
08/31 123 11099165	29488/39802	8021	\$40.00	\$25,963.00
08/31 169 11162168	29925/40814	1011	\$300.00	\$25,663.00
08/31 170 11162168	29925/40814	1202	\$650.00	\$25,013.00
08/31 171 11162168	29925/40814	1311	\$200.00	\$24,813.00
08/31 172 11162168	29925/40814	1111	\$500.00	\$24,313.00
08/31 184 11162171	29925/41487	1011	\$300.00	\$24,013.00
08/31 185 11162171	29925/41487	1202	\$50.00	\$23,963.00
08/31 186 11162171	29925/41487	1311	\$200.00	\$23,763.00
08/31 187 11162171	29925/41487	1111	\$500.00	\$23,263.00
08/31 215 10526561	28944/41028	8021	\$40.00	\$23,223.00

START  
BALANCESUM OF  
CHARGESSUM OF  
REPLENISH BALANCE
<https://ramps.uspto.gov/eram/Controller.jsessionid=ramps-10300-3090:4320a041:a3f72734...> 9/8/2005

## Deposit Account Statement

Page 6 of 6

\$32,261.85

\$42,050.00

\$33,011.15 \$23,223.00

[Need Help?](#) | [USPTO Home Page](#) | [Finance Online Shopping Page](#)<https://ramps.uspto.gov/cram/Controller.jsessionid=ramps-10300-3090:4320a041:a3f72734...> 9/8/2005




Docket No.: 28053/38258  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: )  
Patricia L. CONWAY et al. )  
Serial No.: 09/889,085 )  
Filed: January 9, 2002 )  
For: IMPROVED MICROBIAL )  
PREPARATIONS )  
Group Art Unit: 1651 )  
Examiner: Vera Afremova )

I hereby certify that this paper is being deposited with the U.S. Postal Service as First Class Mail in an envelope, postage prepaid, addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

February 22, 2005

  
Jeffrey S. Sharp  
Registration No. 31,879  
Attorney for Applicants

RESPONSE UNDER 37 C.F.R. §1.111

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action of August 24, 2004 in which all pending claims (41 and 76-153) remained rejected under 35 U.S.C. §§ 102(b), and 103(a), and under the judicially created doctrine of double patenting. Reconsideration of the rejection is solicited for the reasons set out below. This response is timely filed as a petition for a three-months extension of time to February 24, 2005 is submitted herewith.

A copy of the pending Claims begins on page 2 of this paper.

Remarks/Arguments begin on page 12 of this paper.

Adjustment Date: 11/08/2005 SDIRETA1  
08/09/2005 DWILLIA4 00000002 132855 09889085  
01 FC:1202 750.00 CR  
02 FC:1201 400.00 CR

FEE VALUE ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
13	2855
FEE CODE	VALUE FURNISHED
1202	750.00 (15)
1201	400.00 (2)

BEST AVAILABLE COPY

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☐ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**